

Joshua N. Howley  
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*Counsel for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALEXANDER MURASHKO, derivatively on behalf  
of COMMVault SYSTEMS, INC.,

Plaintiff,

v.

N. ROBERT HAMMER, ALAN G. BUNTE, BRIAN  
CAROLAN, FRANK J. FANZILLI, JR., ARMANDO  
GEDAY, KEITH B. GEESLIN, ROBERT F.  
KURIMSKY, LOUIS F. MICELI, GARY MERRILL,  
RONALD L. MILLER, DANIEL J. PULVER,  
GARY B. SMITH, and DAVID WALKER,

Defendants,

and

COMMVault SYSTEMS, INC.,

Nominal Defendant.

Civil Action No. 3:17-cv-02533-  
PGS-TJB

Return Date: November 20, 2017

**Oral Argument Requested**

**DEFENDANTS' NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S AMENDED SHAREHOLDER DERIVATIVE COMPLAINT**

**PLEASE TAKE NOTICE** that, pursuant to the Stipulation and Order Setting Schedule that the Hon. Tonianne J. Bongiovanni, U.S.M.J. entered on June 15, 2017 (D.E. 19), on November 20, 2017, or at such other date and time as the Court may set, Defendants N. Robert Hammer, Alan G. Bunte, Brian Carolan, Frank Fanzilli Jr., Armando Geday, Keith B. Geeslin, Robert F. Kurimsky, Louis F. Miceli, Gary Merrill, Ronald L. Miiller, Daniel J. Pulver, Gary B. Smith, and David Walker (collectively, “Individual Defendants”), as well as Nominal Defendant Commvault Systems, Inc. (“Nominal Defendant,” and together with the Individual Defendants, the “Defendants”), shall move before the Honorable Peter G. Sheridan, U.S.D.J., United States District Court for the District of New Jersey, at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order pursuant to Rule 23.1 of the Federal Rules of Civil Procedure dismissing the Amended Shareholder Derivative Complaint, and for such other and further relief as this Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, in support of his motion, Defendants will rely upon the accompanying Memorandum of Law, the accompanying Declaration of Joshua N. Howley with exhibits, and all prior papers and proceedings herein. A proposed form of Order is also being submitted with this motion.

**PLEASE TAKE FURTHER NOTICE** that Defendants hereby request oral argument.

Dated: August 29, 2017

By: /s/ Joshua N. Howley

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**CERTIFICATION OF SERVICE**

I hereby certify that on this date I caused a true and correct copy of the foregoing Notice of Motion to Dismiss and all supporting papers to be served upon the following counsel of record via the Court's ECF system and via e-mail:

James M. Ficaro  
THE WEISER LAW FIRM, P.C.  
22 Cassatt Avenue, First Floor  
Berwyn, PA 19312

/s/ Joshua N. Howley  
Joshua N. Howley

Dated: August 29, 2017